

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAVELLE XAVIER MITCHELL,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.


Case No. C14-1173 RSL-BAT

**ORDER OF DISMISSAL**

The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, finds and **Orders** as follows:

1. The Report and Recommendation is **ADOPTED**;
2. Petitioner's 28 U.S.C. § 2254 habeas petition is **DISMISSED** without prejudice;
3. Petitioner is **DENIED** issuance of a certificate of appealability; and
4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 12th day of September, 2014.

  
ROBERT S. LASNIK  
United States District Judge